

**REMARKS**

Claims 1-17 are pending. No new matter is presented.

Claims 1-17 stand rejected under 35 USC 102(e) as being anticipated by Gardner, U.S. Patent No. 6,982,950.

Claims 1-17 are directed to a method and system for setting up and/or clearing a communications link via communication devices. Applicants previously asserted that a switching system is not the same as a communication device. Applicants further asserted that although Gardner may disclose sending messages identifying selected connections, Gardner does not teach signaling the first and second *types* of communication devices.

In response to Applicants arguments, the Examiner asserts that a switching system is a type of communication device because a communication device is a broad term. The Examiner also asserts that Gardner does indeed teach signaling two types of communication devices because Gardner teaches that elements 206 and 208 are different types of devices. Applicants respectfully disagree with this assertion.

First, Applicants respectfully disagree that the use of the phrase "communication device" is broad enough in claim 1 to encompass a switching device. As evidence of this, claim 1 actually recites an additional element which is a switching device. Although not exactly the same as the situation which evokes the Doctrine of Claim Differentiation, the patentee is entitled to be its own lexicographer, and if the patentee claims both a communication device and a switching device as two distinctly different claim elements, the presumption should be that these are different types of devices. Further, merely because a switching system may be part of a telecommunication system does not mean that it is a communication device per se. The Examiner seems to be basing his rejection on this presumption, which is incorrect.

Further, the claim recites two different types of communication devices. If the Examiner is asserting that a switching device is a type of communication device, then another switching

device, even if it is different than the first switching device, is the *same* type of communication device, i.e., a switching device. Thus, even given the Examiner's overly broad interpretation of a "communication device," Gardner still fails to teach or suggest the claimed features.

Applicants also argued that claim 1 recites "the signaling takes place from a central device," and that according to Gardner, signaling does not originate from the signal processor and does not take place in the processor. In response to this argument, the Examiner asserts that the broad claim language "signaling takes place from" does not indicate clearly that the signaling originates at the central device. Applicants strongly disagree. The Examiner is ignoring the plain language of the claim. The claim clearly recites that the signaling takes place from a central device. This can not possibly be read as anything other than Applicants' interpretation and there is no possible way a reasonable person would take the view that the signaling originates from anywhere *other* than the central device in accordance with the meaning of the word "from." Applicants respectfully request reconsideration of this rejection.

For at least these reasons, the features of claim 1 are not taught or suggested by Gardner. Claim 9 recites substantially the same features recited in claim 1 and is allowable for the same reasons. The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection

with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122025500.

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Respectfully submitted,

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